

**Notice of Allowability**

Application No.

10/750,644

Examiner

L Amerson

Applicant(s)

BYTHEWOOD ET AL.

Art Unit

3764

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 11/27/05.
2. ☒ The allowed claim(s) is/are 1,3 and 13-15.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some\* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☒ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
- (b) ☒ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date 2/21/06.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |   |   |
|---|---|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)                                 |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date <u>2/21/06</u> . |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),<br>Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment   |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material          | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance                        |
|   | 9. <input type="checkbox"/> Other _____.  |

### **EXAMINER'S AMENDMENT**

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Leonard Belkin on February 21, 2006.

The application has been amended as follows:

**In the Specification:**

Page 24, after line 8, INSERT –15 securing aperture--;

Page 25, after line 7, INSERT –33 securing aperture--.

**In the claims:**

Claim 1 (currently amended)

An exercise apparatus for use in performing abdominal exercises comprising:

- a) a back support member having a first side for supporting a back of a user;
- b) a headrest having a first side for resting a head of a user there against;
- c) a cradle supporting said headrest and a tension spring directed upwardly from said back support member at an angle between a horizontal surface and ninety degrees from said horizontal surface, said tension spring having one end connected to said cradle and an opposite end connected to said back support member for allowing said cradle and headrest to pivot under a weight of said head of the user and;

d) a first extension connected between said tension spring and said back support member, said first extension comprises:

i) a guide track having a plurality of apertures extending there through along a length thereof positioned on a side of said back support opposite said first side;

ii) a first extension rail having a plurality of apertures extending there through and along a length thereof; and

iii) a first locking pin, wherein said first extension rail is received by said guide track, and upon extending said first extension out from a first end of said back support member, and aligning said apertures of said guide track and said first extension rail, said first locking pin is received through each of said aligned apertures thereby locking said first extension in place.

e) a second extension connected between said cradle and said headrest, said second extension comprising:

i) a U-shaped connection bracket positioned on a side of said headrest opposite said first side, said connection bracket having an aperture extending through each wall of said U-shaped bracket;

ii) a second extension rail having a plurality of apertures extending there through and along a length thereof; said rail secured to said cradle by a securing pin which passes through a securing aperture of said cradle and a securing aperture of said second extension rail whereby the second extension rail is securable in a central position to the cradle by the securing pin, or a forward position to the cradle by the securing pin or a back position to the cradle by the securing pin thereby causing the

users head to be positioned further from the abdomen thus allowing a user to exercise in a near prone position;

iii) a second locking pin, wherein said connection bracket is slidably connected to said second extension rail and upon positioning said headrest at a desired distance from said cradle and aligning said apertures of the connection bracket and said second extension rail, said locking pin is received through each of said aligned apertures thereby locking said second extension in place and said headrest being pivotable about said second locking pin allowing for an adjustment of an angular position of said headrest.

Claim 13, "12" has been changed to -1--.

Cancel claims 6 and 9-12

2. The following changes to the drawings have been approved by the examiner and agreed upon by applicant: Figure 11, reference numerals -15—and -33—have been inserted. In order to avoid abandonment of the application, applicant must make these above agreed upon drawing changes.

The following is an examiner's statement of reasons for allowance: Although the prior art of De Graaf shows a chair having a backrest affixed to a mounting plate and a yoke, and a helical spring; Engel shows a chair with a pivotal backrest and a spring contained within a support; Koch et al shows a chair having a tilt control mechanism where a tubing member is connected to a base member and a spring is disposed underneath the chair within the base member for tilting; and Niks shows a hand and wrist exercise

Art Unit: 3764

device for piano players having an adjustable base and pivotable hand rest, the prior art fails to teach or suggest singularly or an obvious combination of a exercising device for abdominal muscles having a back support, a headrest, a cradle supporting said headrest and a tension spring directed upwardly from the back support member at an angle between a horizontal surface and ninety degrees from the horizontal surface, where the tension spring has one end connected to the cradle and an opposite end connected to the back support member for allowing the cradle and headrest to pivot under a weight of the head of the and further comprising a second extension connected between the cradle and the headrest, where the second extension includes

- i) a U-shaped connection bracket positioned on a side of the and having an aperture extending through each wall of the U-shaped bracket;

- ii) a second extension rail having a plurality of apertures extending there through and along a length thereof; where the rail is secured to the cradle by a securing pin which passes through a securing aperture of the cradle and a securing aperture of the second extension rail where the second extension rail is securable in a central position to the cradle, or a forward position to the cradle or a back position to the cradle by the securing pin and thereby causing the users head to be positioned further from the abdomen thus allowing a user to exercise in a near prone position as recited in claim 1.

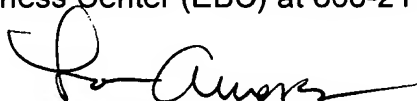
Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Art Unit: 3764

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to L Amerson whose telephone number is (571) 272-4971. The examiner can normally be reached on Mon.-Fri from 9-6 p.m. Interviews Tue. and Thur..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory Huson can be reached on 571-272-4887. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



LORI AMERSON  
PRIMARY EXAMINER  
Lori Amerson